



Who Wrote Stephen Girard's Will?

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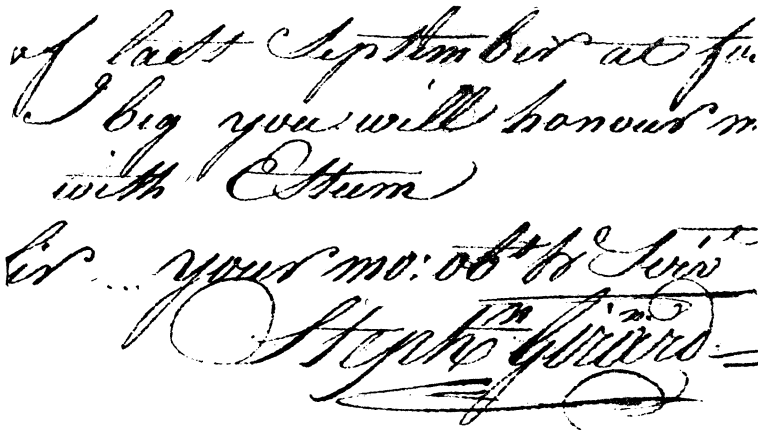
“WHO WROTE STEPHEN GIRARD’S WILL?”

This article is based on a lecture delivered before The Historical Society of Pennsylvania and later before the Faculty and Students of Girard College

By RUSSELL DUANE

The frontispiece is a portrait of the great merchant, mariner and philanthropist whose will is the subject of this article. It is a copy of a well-known print in my private collection and doubtless represents Girard as he actually appeared to his contemporaries.

Three signatures of Girard are of interest as illustrating what his autograph was like at different periods of his life.



Signature of Stephen Girard

Observe first the above signature of Stephen Girard reproduced from a letter in my collection. That was written comparatively early in life, at a time

2 “Who Wrote Stephen Girard’s Will?”

when the great merchant was at the height of his physical powers and actively building up his enormous fortune. Compare it with the ensuing signature written in his latter years. The difference is marked. Age had made the letters smaller, the signature had become twisted. It was the writing of an old man, then more than 80 years of age. Compare this



Signature of Stephen Girard in old age

38. *I, the said Stephen Girard set my hand and seal hereunto the twentieth day of June eighteen hundred and thirty-one*



Signature of Stephen Girard to last Codicil to his Will

signature with that at the end of the last codicil to Girard’s will written about six months before his death. It is similar but still smaller. Certain fatal diseases are known to have this effect upon handwriting.

That marvellous institution for fatherless boys which Stephen Girard created by his will came to its full fruition only after encountering almost insuperable obstacles. Girard’s will was contested by his French heirs on every conceivable ground and by litigations regarding minor details which have continued almost to our own day. As counsel for the executors named in the will, Horace Binney prosecuted an exhaustive research into the ancient chancery records of Great Britain. As a result he was able to convince the Supreme Court of the United States that this charity was not “void for indefiniteness,” and did not exceed the latitude permitted by Chancery decisions which

antedated the famous enabling statute of 43rd Elizabeth—a statute which was never in force in Pennsylvania and which therefore could not be invoked in behalf of the trust. Opposed to Mr. Binney was Daniel Webster representing the Girard heirs, and the celebrated Justice Story wrote the opinion of the Court, which was to the effect that the charity was legal and valid, and that the City of Philadelphia was competent to take possession of Girard’s residuary estate as the trustee designated in his will.

At a much later date the Board of City Trusts was formed to represent the City in its organized capacity as trustee of sundry estates, of which the Girard Estate is now much the largest and most important. Its assets have increased from the original sum of \$6,000,000 at Girard’s death in 1831, to its present magnificent total of \$85,000,000. This unique will having been sustained in its important features by the United States Supreme Court, it becomes a matter of great historical interest to ascertain who wrote the will and how its unusual provisions were evolved. What suggested those ideas to Girard? By whom were the provisions of the will framed? Since Girard College is one of the wealthiest and most beneficent foundations in the world, these questions have a special interest for the citizens of Philadelphia.

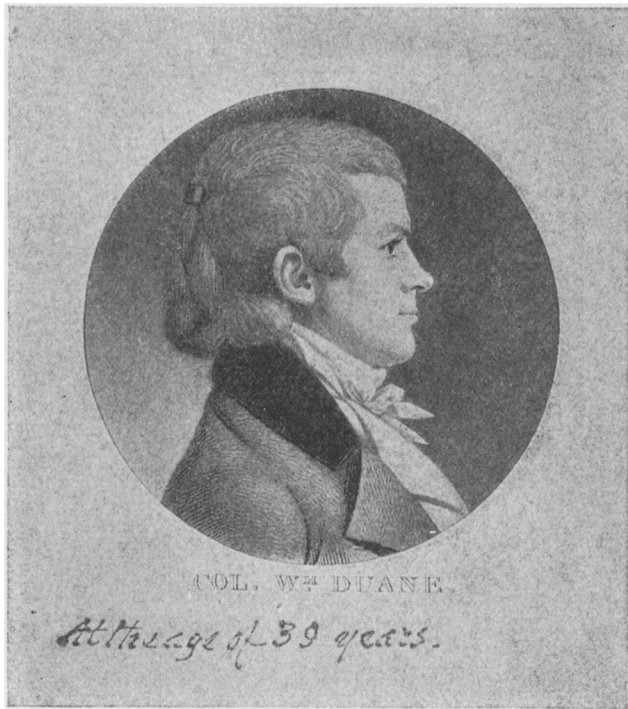
Girard’s services to his adopted city and to humanity were so great that much has been written about his life. In one of these biographies, written several years since by a prominent historian, the author, while very properly ascribing to Horace Binney the credit of ultimately sustaining Girard’s will in the courts, fell into the error of asserting that Binney had also *drafted* the will in or after the year 1826. Now there is no question that Binney did draft a will for Girard in the year 1826, but this was not the final will which created his great charity. On the contrary, it has al-

ways been a fixed tradition at the College that the final will was drawn by my great-grandfather William John Duane.

Upon the publication of the above-mentioned biography ascribing the authorship of the final will to Horace Binney, my attention was called to the fact by the late Hampton L. Carson, President of The Historical Society of Pennsylvania, who questioned its accuracy. Thus arose an interesting historical problem. Two eminent lawyers had in various capacities represented Girard. The question was which of these two men deserved the credit for writing the final will which created the College—the will which was probated and which the United States Supreme Court sustained. Was the tradition that the will was written by William John Duane correct, or was it really the work of Horace Binney? Duane had been Girard’s legal advisor through a long course of years and had assisted him in his manifold activities. Among other things he had acquired for Girard his coal lands in Schuylkill County, for which he paid about \$60,000 and which were appraised in January 1928 at \$30,000,000, a sum 500 times as great. He had also represented Girard in numerous legal matters and controversies in Philadelphia. Binney had also represented Girard in sundry litigations and had written a will for him. Which of these two eminent lawyers deserved the credit for the final will?

Before discussing the form the controversy took and how it was ultimately determined, I ought perhaps to digress for a moment to say a few words about William John Duane. He was the eldest son of William Duane, the Editor, who was a great power in politics in the state and nation during the latter part of the 1790s and the early part of the ensuing century. Jefferson once attributed to William Duane and his newspaper “The Aurora,” his own election as President of the United States. The elder Duane was

a very close friend of Girard. Both men sympathized strongly with the French in the controversy which raged throughout Washington’s administration between the respective partisans of France and of England. It was very natural, therefore, that Girard should select the son of this man, who was a practicing



Col. William Duane

lawyer in Philadelphia as early as 1810, to superintend the more important of his affairs. William Duane obtained his title as Colonel in the War of 1812 and was in command of a considerable portion of the troops which were stationed south of Philadelphia to protect our city from the enemy at the time the British attacked Baltimore. He was the author of a military dictionary which was a standard work in its day.

In 1823, after the Spanish Colonies in South America had thrown off the yoke of Spain, Col. Duane visited that continent and subsequently published a book containing an account of his travels. He had previously, while in this country, rendered substantial services to the revolutionists which were much appreciated. At the request of the Columbian minister at Washington, I recently presented to the Government of that country a portrait of Col. Duane to be placed on the walls of the Capitol at Bogota.

I might add, before ending my reference to him, that William Duane received, in the year 1829, as a recognition of his public services, an appointment as Prothonotary of the Supreme Court of Pennsylvania, an office which he held until his death in 1835. About three years ago his portrait was placed on the walls of one of the rooms of the Supreme Court in City Hall. He was not a lawyer himself but his son, William John Duane, had become a member of the Philadelphia bar about 1810. He had previously married Deborah Bache, a granddaughter of Benjamin Franklin. He continued to practice law in Philadelphia until his death on September 26, 1865. His office was at No. 514 Walnut Street, and for many years that was also his home. This house was standing intact as recently as ten years ago. At a later date he built the house at No. 1608 Walnut Street (which stood there until two years ago) and there he lived for many years. He subsequently built the brown-stone house at No. 1604 Locust Street, in which he resided until his death. I have in my own private office and constantly in use, his set of the Pennsylvania State Reports containing the decisions of our Supreme Court dating back to 1754—exactly the same books which he was using for the same purpose more than a century ago when he practiced law on Independence Square.

Like his father, William John Duane had been not

only the personal friend of Girard, but also his political friend and his private counsel. His intimacy with Girard was such that he was the last person to speak



William John Duane

to Girard on his deathbed, and on him devolved the carrying out of those personal arrangements which follow death.

Returning now to the disputed question as to the authorship of Girard’s will, I received from Mr. Car-

son in the summer of 1918 a letter saying he had always understood that William John Duane had written it and that he was greatly surprised to find in a biography recently published a statement ascribing the authorship of the will to Horace Binney. Mr. Carson asked me what data, facts or references I had at command bearing upon the matter. I told him that I had never before heard any doubt expressed that William John Duane did write the will, but the question of how to prove it confronted us. Mr. Carson and I then resorted to the following procedure. Among my manuscripts and papers I had several letters written by William John Duane, and among others a letter written in Washington in 1833, while he was Secretary of the Treasury. This date was only two years subsequent to Girard’s death, and only three years after the date of his will. I also possessed a letter written in 1827. I said to Mr. Carson that I thought if we made a comparison between these undoubtedly genuine letters and the will itself we ought to be able, by identification of the handwriting, to establish the authorship of the will. Acting on this suggestion we visited together the office of the Register of Wills, who expressed great interest in our inquiry. He caused the Girard will and certain accompanying papers to be brought up from the basement. They were in a steel box made many years before for the express purpose of preserving them as valuable historical documents. I produced the two letters and Mr. Carson and I compared the handwriting with the will. We did not have to go beyond the capital “G” in the name Girard before we observed a remarkable identity of handwriting.

The first page of the Girard Will is illustrated on page 10. Attention is called to the top line where the language reads, “I, Stephen Girard, of the City of Philadelphia,” etc. The capital letter “G” is different from any capital “G” ordinarily in use. Many

of the smaller letters, like “b,” “i” and “h,” have a peculiar twist to the right at the top. These, with other peculiarities, were present not only in the two letters which I produced from my collection but in a third letter, also written by Mr. Duane while Secretary of the Treasury in which the name of Stephen Girard occurred as part of the communication, and it was exactly similar to the name of Stephen Girard as it appears in the first line of the will as shown in the print. Unfortunately, I am unable to produce that letter as I am not the owner of it, but I will produce the other letter written in 1833, to which reference has been made. In that appears a reference on the top line to a “Dr. Green.” The capital “G” in Green is exactly similar to the “G” in Girard. There is noticeable also a peculiar tendency of certain of the smaller letters to curve to the right, as, for example, the “b” and “k” in the words “bank” and “book” on the third line. These illustrations furnish an indication of the method Mr. Carson and I followed to establish the identity. As further evidence, my other letter written by Mr. Duane in 1827 is in point. Observe the identity of the letter “G” in the name “Geo. Armitage” with the letter “G” in the name “Girard” in the first line of the will. The similar appearance of the handwriting as a whole in all of these documents is also confirmatory. (These letters are reproduced on page 11.)

Our demonstration fully satisfied the Register of Wills and also certain historians and others who were interested in the controversy, including the Board of City Trusts. No one at the present time disputes the fact that William John Duane was the author of the Girard will; but it took much careful work on the part of Mr. Carson and myself to make the demonstration so complete as to be conclusive. Then, as so often happens, after we had laboriously proved, by the comparison of documents, that William John Duane had written the Girard will, three confirmations came in

rapidly in a most extraordinary way. It was extraordinary because of the unexpected occurrence of such things nearly a century after the event, and because they occurred in just the nick of time to confirm conclusions which Mr. Carson and I had reached through our own investigation.

I, Stephen Girard, of the City of Philadelphia, in the Commonwealth of Pennsylvania, merchant and mercantile, being of sound mind, memory, and understanding, do make and publish this my last will and testament, in manner following, that is to say:—

I. Give and bequeath unto "The Contributors to the Pennsylvania Hospital", of which corporation I am a member, the sum of twenty thousand dollars, upon the following conditions, namely, that the said sum shall be added to their capital and shall remain a part thereof forever, to be placed at interest and the interest thereof to be applied, in the first place to pay to my black woman Annah (to whom I hereby give her freedom) the sum of two hundred dollars per year, in quarterly payments of fifty dollars each in advance, during all the term of her life, and, in the second place, the said interest to be applied to the use and accommodation of the sick in the said hospital, and for providing and at all times having competent matrons, and a sufficient number of nurses and assistant nurses, in order not only to promote the purposes of the said hospital, but to increase this last class of useful persons much wanted in our city;

II. Give and bequeath to "The Pennsylvania Institution for the Deaf and Dumb" the sum of twenty thousand dollars, for the use of that institution;

III. Give and bequeath to "the Orphan Asylum of Philadelphia" the sum of ten thousand dollars for the use of that Institution.

IV. Give and bequeath to "the Comptrollers of the public schools for the city and county of Philadelphia" the sum of ten thousand dollars

for

Stephen Girard

"Who Wrote Stephen Girard's Will?"

11

Washington, June 8, 1832.

My dear Mr. - I am so sorry to hear of Dr. Green's illness in the house we rented in, 18th, has
 Dunlap; call on him & say I told you the sum I charged: such matter one of his friends.
 All is right at the bank - the note I had in my pocket was pocketed up, unknown to
 me. It will be sent to the bank to Dr. B. B. Bush, Pensacola - if not then his wife
 will be there: Call on me & I will send me \$20. I hoped for paid it, if not, my nothing to
 him, it was paid to the bank for him. Mr. Spivey came to town, & engaged Mr. Thoma,
 to whom give the notice: Mr. H. promised to enter an appearance: I would have nothing
 to do with it, as there was something suspicious about the business. I am not sure
 present at your disgust - the whole affair was rotten to the core - if you should ever de-
 sire to engage in public life, the only way is to step forward & unmask the frauds
 & misfeasance, the mass are honest and will go with you: I have all my political life
 and the efforts & non-commissioned and missioners against me, but the friends
 on all can't stop by me: the moral is painful, to be sure, but unavoidable.

On every subject, from my letter to my father, that, it would be very imprudent to decide
 on my father's case here, until the deposit question shall have been settled. Such a case
 within his very next. For I am greatly oppressed with the case of the nation at this moment.

Mr. Wrightman came this today, and will call to see you all.

I do not know what you mean by the question, whether the Pth would be pleased
 at having his memorial read before any body but the C. until deposit question is settled.

Yrs affectionately W. J. D.

Letter of William John Duane, 1833, illustrating his handwriting

Philadelphia Feb. 6. 1827.

Garret D. Wall, esq.

Dr. Sir - I pray you to do me the favor to let me know, if you will
 counsel for Mr. Geo. Armistage, in relation to a disputed claim for lands in Glen-
 cester County, or rather for those for whom he acted: Mr. Armistage died
 about a month ago, and his executors cannot trace amongst his papers the
 information which I now beg leave to ask: The land referred to is called
 the Pullen property.

Very respectfully
 W. J. Duane

Letter of William John Duane, 1827, illustrating his handwriting

The first of these was a letter which came to light, (the property of a Philadelphian who happened to hear of this controversy) which had been written by William John Duane to the famous banker Nicholas Biddle, Chairman of the Board of Directors of Girard College, dated March 22, 1838, in which Mr. Duane referred to himself as having “prepared” Mr. Girard’s will. That was written over his signature. About the same time there was discovered in the archives of the Historical Society an old legislative report by a Committee of the Legislature of Pennsylvania in the year 1842. It appeared from this report that considerable criticism had arisen, not against the executors of whom Mr. Duane was one of the most active, but against the City Councils of Philadelphia. Councils had gone contrary to the views of the executors in numerous respects, among others in departing from Girard’s direction to construct plain brick buildings for the use of the orphans, and had erected instead the magnificent marble temple which still adorns the grounds of the College, of which the pillars alone cost nearly \$500,000. I may say in passing that Girard hated pillars so much that when he bought the Girard National Bank, which still stands intact on 3rd Street at the head of Dock, he seriously contemplated taking the columns down, but was finally persuaded not to do so. It was the irony of fate that almost ten per cent of the \$6,000,000 he left for his great charity should have gone into pillars. For the purpose of investigating the manner in which City Councils were complying with the terms of Girard’s will, a Committee of the Legislature came here in the year 1842 to take testimony. They found as a fact that the will was being violated; but it had been departed from so much and the departure was so nearly at an end, that it was decided not to interfere. The plans of City Councils were accordingly carried out, giving to our City what the Society of American Architects a

few years ago voted to be the first of the three finest buildings in America. Before this Legislative Committee in 1842 Mr. Duane testified, “I drew the will of Mr. Girard in 1830. This was the last will and the one creating the college. This is the will under which the trust originated.”

Referring to other parts of Mr. Duane’s testimony, one of Girard’s recent biographers has this to say: “As to the method of drawing the will, Duane stated that he remained with Girard five or six weeks with the doors locked, and that in connection with this service all sorts of topics were discussed by Girard and Duane, including law, politics, religion, and architecture. The writing was gone over two or three times and drafts of the several sections were made. Duane further describes the procedure in a statement that a draft, when submitted to Girard, would be altered and remodeled in accordance with his own ideas, and that, after such revision, the section would be written over in its final form. Duane paid Girard a great compliment by declaring that he was ‘a good judge of language—none better.’ Of his own part in writing the Will, Duane added that he ‘took the most anxious pains to do in writing, what Mr. Girard would, if he had been a painter, have exhibited on the canvas.’ ”

Hence we have the evidence of the similar handwriting, the Nicholas Biddle letter, and the Legislative Committee’s report of 1842 following Mr. Duane’s testimony before them in support of his authorship of the will. We also have what is more remarkable yet, another letter which came into my possession shortly after our investigation, in an extraordinary way. Mr. James S. Rogers of our bar told me one day that he had received from a friend in Canada a letter written in the year 1840 by William John Duane to a certain Dr. Clark. This doctor was the husband of one of Girard’s nieces who had received under his will only

14 “Who Wrote Stephen Girard’s Will?”

\$10,000 when apparently she had expected at least a million. In this letter Mr. Duane said: “Mr. Girard “made a will, which was written by Mr. Horace Binney, several years before he made his last will which was drawn up by me.”

Mr. Girard made a will, which was written by Mr. Horace Binney, several years before he made his last will, which was drawn up by me. In relation to legacies to relatives this old will was made the basis of the new one. The sums given to his niece (Josephine) in his last will were precisely the same sums which had been given in the old one, with which I had nothing whatever to do. As to his friends, the only alteration or distinction which Mr. Girard made between the old and new will was as to Mrs. Hemphill. When the first legacy given to her and her children by the old will was under consideration, as I was preparing the new one, he asked me what I thought of it, and I at once gave my reasons from liberal views, which were sound. In no other instance did he ask my opinion. If he had asked it, I would have advised an increase in every instance. But I knew Mr. Girard too well to wish to interfere on such delicate matters. If I had intended an opinion in favor of any person, I might have injured the person and my self also. There was an extraordinary, honest and faithful French Attorney, in whose favor my heart prompted me to speak, and I obeyed its dictates.

Extract from William John Duane’s Letter of 1840 to Dr. Clark

I now come to what I think is the most remarkable account in any biography of Girard of the occurrences which immediately preceded the drawing of the will and of others which followed Girard’s death. My conversations with Mr. Carson, in the course of our investigation, recalled to my mind that, when I was about 15, I had read a life of Girard by the great historian, James Parton, which was tucked away in a volume entitled “Famous Americans.” Parton says in a foot-note that he obtained many of the facts in this biography during a visit made to my great-grandfather at his home in Philadelphia during the Civil War.

“After the peace of 1815,” says Parton, “Girard began to consider what he should do with his millions after his death. Enjoying perfect health, it was not until about the year 1828, when he was seventy-eight years of age, that he entered upon the serious consideration of a plan for the final disposal of his immense estate. Upon one point his mind had been long made up. ‘No man,’ said he, ‘shall be a gentleman on my money.’ He often said that, even if he had had a son, he should have been brought up to labor, and should not, by a great legacy, be exempted from the necessity of labor. ‘If I should leave him twenty

“‘thousand dollars,’ he said, ‘he would be lazy or turn ‘gambler.’ . . . His decided inclination was to leave ‘the bulk of his property for the endowment of an ‘institution of some kind for the benefit of Philadelphia. The only question was what kind of institution it should be.”

“‘William J. Duane,’” continues Parton, “‘was his ‘legal advisor,—that honest and intrepid William J. ‘Duane who, a few years later, stood calmly his ground ‘on the question of the removal of the deposits against ‘the infuriate Jackson, the Kitchen Cabinet, and the ‘Democratic party. Girard felt all the worth of this ‘able and honorable lawyer. With him alone he conversed upon the projected institution; and Mr. Duane, without revealing his purpose, made inquiries ‘among his travelled friends respecting the endowed ‘establishments of foreign countries. For several ‘months before sitting down to prepare the will, they ‘never met without conversing upon this topic, which ‘was also the chief subject of discourse between them ‘on Sunday afternoons, when Mr. Duane invariably ‘dined at Mr. Girard’s country house. A home for the ‘education of orphans was at length decided upon, and ‘then the will was drawn. For three weeks the lawyer ‘and his client were closeted, toiling at the multifarious details of that curious document.”

Girard’s farm house, in which his will was thus evolved, is situated in the center of a square of ground, since given to the City, and located between 21st and 22nd Streets, north of Shunk Street—a square almost as large as Rittenhouse Square. The old farm house is preserved intact in the center. It is well worthy of a visit by any one interested in Girard and his College.

“‘The minor bequests,’” continues Parton, “‘were ‘speedily arranged, though they were numerous and ‘well considered. He left to the Pennsylvania Hospital, thirty thousand dollars; to the Deaf and Dumb Asylum, twenty thousand; to the Orphan Asylum, ten

“thousand; to the Lancaster public schools, the same
“sum; the same for providing fuel for the poor in
“Philadelphia; the same to the Society for the Relief
“of Distressed Sea Captains and their families; to the
“Freemasons of Pennsylvania, for the relief of poor
“members, twenty thousand; six thousand for the es-
“tablishment of a free school in Passyunk, near Phila-
“delphia; to his surviving brother, and to his eleven
“nieces, he left sums varying from five thousand dol-
“lars to twenty thousand; but to one of his nieces, who
“had a very large family, he left sixty thousand dol-
“lars. To each of the captains who had made two voy-
“ages in his service, and who should bring his ship
“safely into port, he gave fifteen hundred dollars; and
“to each of his apprentices, five hundred. To his old ser-
“vants, he left annuities of three hundred and five hun-
“dred dollars each. A portion of his valuable estates
“in Louisiana he bequeathed to the corporation of New
“Orleans, for the improvement of that city. Half a
“million he left for certain improvements in the city
“of Philadelphia; and to Pennsylvania, three hundred
“thousand dollars for her canals. The whole of the
“residue of his property, worth then about six millions
“of dollars, he devoted to the construction and endow-
“ment of a College for Orphans.

“Accustomed all his life to give minute directions
“to those whom he selected to execute his designs, he
“followed the same system in that part of his will
“which related to the college. The whole will was writ-
“ten out three times, and some parts of it more than
“three. He strove most earnestly, and so did Mr. Du-
“ane, to make every paragraph so clear that no one
“could misunderstand it. No candid person, sincerely
“desirous to understand his intentions, has ever found
“it difficult to do so. He directed that the buildings
“should be constructed of the most durable materials,
“‘avoiding useless ornament, attending chiefly to the

“strength, convenience, and neatness of the whole.’
“That, at least, is plain. He then proceeded to direct
“precisely what materials should be used, and how
“they should be used; prescribing the number of build-
“ings, their size, the number and size of the apartments
“in each, the thickness of each wall, giving every de-
“tail of construction, as he would have given it to a
“builder. He then gave briefly directions as to the
“management of the institution. The orphans were to
“be plainly but wholesomely fed, clothed, and lodged;
“instructed in the English branches, in geometry, nat-
“ural philosophy, the French and Spanish languages,
“and whatever else might be deemed suitable and bene-
“ficial to them. ‘I would have them,’ says the will,
“‘taught facts and things, rather than words or signs.’
“At the conclusion of the course, the pupils were to be
“apprenticed to ‘suitable occupations, as those of agri-
“culture, navigation, arts, mechanical trades and man-
“ufactures.’

“The most remarkable passage of the will is the fol-
“lowing. The italics are those of the original docu-
“ment.

“ ‘I enjoin and require that no *ecclesiastic, mission-
“ary, or minister of any sect whatsoever, shall ever
“hold or exercise any station or duty whatever in the
“said College; nor shall any such person ever be ad-
“mitted for any purpose, or as a visitor, within the
“premises appropriated to the purposes of the said
“College.* In making this restriction, I do not mean to
“cast any reflection upon any sect or person whatso-
“ever; but as there is such a multitude of sects, and
“such a diversity of opinion amongst them, I desire to
“keep the tender minds of the orphans, who are to de-
“rive advantage from this bequest, free from the
“excitement which clashing doctrines and sectarian
“controversy are so apt to produce; my desire is, that
“all the instructors and teachers in the college shall

“take pains to instil into the minds of the scholars *the purest principles of morality*, so that, on their entrance into active life, they may, *from inclination and habit*, evince *benevolence toward their fellow creatures*, and *a love of truth, sobriety, and industry*, adopting at the same time such religious tenets as *their matured reason* may enable them to prefer.’ ”

Departing from Parton’s narrative for a moment, I would add that this exclusion of ministers has always been rigidly enforced. I remember that, when I was a boy, my great-aunt, the late Mrs. Charles Hall, once told this story. A man from out of town, wearing a white cravat (which in those days was sometimes affected by persons other than ministers) had gone with a Philadelphia friend to visit the college. On reaching the gate the janitor said to him, “I am afraid I can’t admit you, sir.” The visitor with the white cravat replied, “Damn it, what’s the reason you can’t?” Whereupon the janitor said, “Oh, that’s all right, sir; you can walk in. I thought you were a minister!”

“When Mr. Duane,” continues Parton, “had written this passage (regarding ministers) at Girard’s dictation, a conversation occurred between them, which revealed, perhaps, one of the old gentleman’s reasons for inserting it. ‘What do you think of that?’ asked Girard. Mr. Duane, being unprepared to comment upon such an unexpected injunction, replied, after a long pause, ‘I can only say now, Mr. Girard, that I think it will make a great sensation.’ Girard then said, ‘I can tell you something else it will do,—it will please the Quakers.’ He gave another proof of his regard for the Quakers by naming three of them as the executors of his will, the whole number of the executors being five.” (Mr. Duane himself was one of the two non-Quakers.)

“In February 1830 the will was executed, and deposited in Mr. Girard’s iron safe. None but the two men who had drawn the will, and the three men who

“witnessed the signing of it, were aware of its existence; and none but Girard and Mr. Duane had the least knowledge of its contents. There never was such a keeper of his own secrets as Girard, and never a more faithful keeper of other men’s secrets than Mr. Duane. And here we have another illustration of the old man’s character. He had just signed a will of unexampled liberality to the public, and the sum which he gave the able and devoted lawyer for his three weeks’ labor in drawing it was three hundred dollars.

“Girard lived nearly two years longer, always devoted to business, and still investing his gains with care. An accident in the street gave a shock to his constitution, from which he never fully recovered; and in December 1831, when he was nearly eighty-two years of age, an attack of influenza terminated his life. True to his principles, he refused to be cupped, or to take drugs into his system, though both were prescribed by a physician whom he respected.

“Death having dissolved the powerful spell of a presence which few men had been able to resist, it was to be seen how far his will would be obeyed, now that he was no longer able personally to enforce it. The old man lay dead in his house in Water Street. While the public out of doors were curious enough to learn what he had done with his money, there was a smaller number within the house, the kindred of the deceased in whom this curiosity raged like a mania. They invaded the cellars of the house, and, bringing up bottles of the old man’s choice wine, kept up a continual carouse. Surrounding Mr. Duane, who had been present at Mr. Girard’s death, and remained to direct his funeral, they demanded to know if there was a will. To silence their indecent clamor, he told them there was, and that he was one of the executors. On hearing this, their desire to learn its contents rose to fury. In vain the executors reminded them that

“decency required that the will should not be opened till after the funeral. They even threatened legal proceedings if the will were not immediately produced; and at length, to avoid a public scandal, the executors consented to have it read. These affectionate relatives being assembled in a parlor of the house in which the body of their benefactor lay, the will was taken from the iron safe by one of the executors.

“When he had opened it, and was about to begin to read, he chanced to look over the top of the document at the company seated before him. No artist that ever held a brush could depict the passion of curiosity, the frenzy of expectation, expressed in that group of pallid faces. Every individual among them expected to leave the apartment the conscious possessor of millions, for no one had dreamed of the probability of his leaving the bulk of his estate to the public. If they had ever heard of his saying that no one should be gentleman upon his money, they had forgotten or disbelieved it. The opening paragraphs of the will all tended to confirm their hopes, since the bequests to existing institutions were of small amount. But the reader soon reached the part of the will which assigned to ladies and gentlemen present such trifling sums as five thousand dollars, ten thousand, twenty thousand; and he arrived ere long at the sections which disposed of millions for the benefit of great cities and poor children. Some of them made not the slightest attempt to conceal their disappointment and disgust. Men were there who had married with a view to sharing the wealth of Girard, and had been waiting years for his death. Women were there who had looked to that event as the beginning of their enjoyment of life. The imagination of the reader must supply the details of a scene which we might think dishonored human nature, if we could believe that human nature was meant to be subjected to such a strain. It had been better, perhaps, if the rich man,

“in his own lifetime, had made his kindred partakers of
“his superabundance, especially as he had nothing else
“that he could share with them. They attempted, on
“grounds that seem utterly frivolous, to break the will,
“and employed the most eminent counsel to conduct
“their cause, but without effect. They did, however,
“succeed in getting the property acquired after the
“execution of the will; which Girard, disregarding the
“opinion of Mr. Duane, attempted by a postscript to
“include in the will. ‘It will not stand,’ said the law-
“yer. ‘Yes, it will,’ said Girard. Mr. Duane, knowing
“his man, was silent; and the courts have since decided
“that his opinion was correct.”

I should say in passing that that was the only money, outside of the bequests in the will itself, the heirs ever got, although they were still litigating about some features of it only a few years ago.

The following is an extract from an autobiography entitled “A Book of Remembrance” written by my great-aunt, the late Elizabeth Duane Gillespie, which gives in very brief space her recollections of Girard and his will.

“My father (William John Duane) was for many
“years the intimate friend and counsellor of Stephen
“Girard, the founder of the great institution which
“bears his name. Mr. Girard was a Frenchman who
“settled in Philadelphia when Philadelphia was a sea-
“port town and there carried on a trade with his native
“land. By prudence, economy, and strict attention he
“amassed a large fortune, the greater part of which
“he left to found a college for the instruction of poor
“white male orphans. The College buildings now have
“nearly two thousand inmates. Fifteen hundred of
“these are pupils, and many of our most respected
“citizens owe their education to this man, who so long
“ago fully comprehended and worked for what is now
“called ‘the brotherhood of man.’

“A part, and I think a large part, of the income of

“the Girard estate comes from ‘coal lands’ in Pennsylvania, the purchase of which my father, assisted by a mining engineer, superintended. A short time ago, in looking over my father’s papers, I found a book containing the cost of these lands. Some of them were bought at three cents an acre, and not one acre of the first purchase cost more than six cents.”

In that connection, when I was at my aunt’s house one night prior to her death in 1901, she mentioned this interesting incident, that a friend had once said to her father, “When you are up in Schuylkill County buying coal lands for Mr. Girard why don’t you occasionally buy some land for yourself?” Whereupon he made this answer, “While performing work for a client, it would be grossly improper for me to make that an opportunity of private gain;” and my aunt used to say that she would rather have had a father capable of giving that answer than one who had left the wealth of Girard!

To return to Mrs. Gillespie’s narrative:

“I was ten years old when Mr. Girard died. I remember the day perfectly, Monday, the 26th day of December. We were celebrating Christmas on that day, and my father was called away from our Christmas dinner to say farewell to his dear friend, who was then dying.

“Mr. Girard often used to call for my father to drive with him to visit his farm in the ‘Neck’—a spot now built upon so closely that it is furrowed with houses and no longer with the plough.

“One of us children was generally taken on these excursions. A gig was the mode of conveyance, and when my father drove and I went as passenger, I stood between Mr. Girard’s knees. I much enjoyed these trips, for we always came home with a basketful of fruit, and the scent of those pears and grapes hangs round me still in memory. Mr. Girard was very kind to us, my father’s ‘little children,’ and was

“thoughtful for us even during his last illness. He then
“desired my father to add to his will a codicil making
“provision for the education of his younger children,
“my sister Ellen, myself, and two brothers, but this my
“father declined to do, although Mr. Girard urged it on
“the ground of my father’s ill health and the fear that
“he might die before we were educated, but the whole
“of his will was, and is, in the handwriting of my
“father, and with his characteristic wisdom and sense
“of honor he declined to add one word which would
“benefit himself or his children, much as his dear old
“friend might desire it.

“My father was one of the directors of Girard Col-
“lege for some years, and the names of the first three
“hundred pupils are registered by his hand. Several
“efforts have been made to break the last will of Mr.
“Girard, each one unsuccessful. The building of the
“College was a matter of pride to us all, and I often
“wish that my brothers and sisters could see the build-
“ings now built around it for the accommodation of
“those within the outside walls, but I am alone with my
“memory of the past.”

Another most important sidelight upon the char-
acters and the mutual relations of Girard and Duane is
thrown by the latter’s communication to Dr. John Y.
Clark—the letter already referred to which recently
came from Canada. It appears that Dr. Clark had
spread reports in France that the reason why the Gi-
rard heirs did not get more money through Girard’s
will was that Mr. Duane had persuaded him to cut his
relatives down to nominal figures. Having heard this,
Mr. Duane seized the opportunity furnished by a letter
from Dr. Clark, in which he asked for information
about certain legal formalities connected with the pay-
ment of his daughter’s legacy, to comment on Dr.
Clark’s conduct as follows:

“Having thus noticed your letters to the executors,
“I embrace the occasion on my own part to complain

“to you—against yourself. In the course of the last
 “six or seven years rumors reached me of your having
 “spoken of me to persons in Paris in unwarrantable
 “terms, but I did not think them worthy of notice. For
 “the first time I have this day heard that during an
 “examination before Messrs. De La Grange and
 “Welles you, in bitter terms, attributed to my inter-
 “ference the circumstance that Mr. Girard gave
 “small legacies to his relatives. If I had not now oc-
 “casion to write to you I might pass this also in silence,
 “but the present opportunity tempts me to notice your
 “conduct, and it may be otherwise discreet to do so.

“I am not aware that there would have been any in-
 “justice in my advising Mr. Girard to give moderate
 “sums to his relatives, seeing that I was to receive no
 “benefit from the reduction, and that whatever might
 “be withheld from relatives would increase a chari-
 “table fund for poor orphans. I confess however that
 “any such interference on my part might have been
 “unkind to his relatives and would have been indeli-
 “cate towards Mr. Girard himself. Your attempt,
 “therefore, to create an impression that I was capable
 “of so interfering was calculated to injure me, and it
 “was also an indignity to Mr. Girard’s memory to
 “represent him as too weak to judge for himself. It
 “was not only incorrect but unmanly thus to call my
 “conduct in question before strangers in a foreign
 “land, when and where you fancied I had no friend to
 “interpose in my behalf—it was the more improper
 “because while you were here you never expressed any
 “desire for explanation, and had nothing to rely upon
 “but suspicion. So conscious am I, however, of not de-
 “serving censure, that I do not feel resentment; and,
 “instead of using harsh words, I relate the following
 “facts as the best mode of reproof.

“Mr. Girard made a will, which was written by Mr.
 “Horace Binney, several years before he made *his*
 “*last will, which was drawn up by me.* In relation to

“legacies to relatives the old will was made the basis
“of the new one. The sums given to his nieces (\$10,000
“to each) in his last will were precisely the same sums
“which had been given in the old one, with which I had
“nothing whatever to do. As to his nieces, the only
“alteration or distinction which Mr. Girard made be-
“tween the old and new will was as to Mrs. Hemphill.
“When the trust legacy given to her and her children
“by the old will was under consideration, as I was pre-
“paring the new one, he asked me what I thought of
“it, and I at once gave my reasons for a liberal in-
“crease, which was made. In no other instance as to
“nieces or other relatives did he ask my opinion. If
“he had asked it, I would have advised an increase in
“every instance. But I knew Mr. Girard too well to
“volunteer advice on such delicate matters. If I had
“intruded an opinion in favor of any person I might
“have injured that person and myself also. There was
“an individual, honest and faithful Samuel Arthur,
“in whose favor my heart prompted me to speak, and
“I disobeyed its dictates.

“It is true that I long possessed the unlimited and
“unvarying confidence of Mr. Girard, and I may well
“be proud of it, but I am more proud to be able truly
“to say that I deserved it. How did I retain it? Not as
“you suppose by interfering or trying to influence in
“any unworthy manner or for any selfish purpose, but
“by respecting the sound judgment of my friend—by
“considering him the best judge in his own affairs—
“and by giving my opinions, when asked, always
“frankly and disinterestedly. Had I been capable of
“trying to control him, and had he been so weak as you
“surmise, my name might have appeared in his will as
“a legatee, whereas it is found there only as an execu-
“tor—an office voluntarily and spontaneously con-
“ferred.

“No, sir, you did not know Mr. Girard or me either.
“If you had been capable of duly estimating his char-

“acter or how it had been formed, you never would
“have fancied that my influence prevented the gift of
“large legacies to his relatives—nay, your imagina-
“tion never would have led you to expect a large legacy
“for yourself, and you would have escaped the sad dis-
“appointment which you experienced at not getting
“one. Mr. Girard’s decisions on all questions were
“the results of convictions produced by long and vari-
“ous experiences. His vast estate was the reward of
“scrupulous integrity, great mental energy, unsur-
“passed industry, perseverance and patience, coupled
“with prudence and frugality. By these means, he
“accumulated, not for the mere pleasure of accumula-
“tion—not to give fortunes to relatives—but to succour
“the most neglected of his fellow creatures, poor or-
“phans. He did not consider fortune a sure foundation
“for respectability, usefulness or welfare. On the con-
“trary, he was accustomed to point to the degenerate
“descendants of some of his old wealthy friends as
“evidence of the folly and even the mischief of placing
“relatives above the honorable pursuits of needful in-
“dustry. I have, and so have others still living, often
“heard him say that if he had a son he would not spoil
“him by leaving him a fortune—that if he gave him
“more than \$20,000 or \$25,000 his son might become
“lazy or a gambler, whereas with a moderate capital
“any honest, sober, industrious and frugal man must,
“in this country especially, become sufficiently rich.
“Why then should it be surprising that he gave but
“\$10,000 to each of his nieces?

“It was natural that he should ask me, the head of
“a large family, as to the trust legacy for Mrs. Hemp-
“hill, seeing that she had, as I urged, many children.
“But he probably considered the cases of her sisters
“different, as they really were. He could not but have
“taken into account your representations as to your
“own wealth; he may have considered that he left
“\$20,000 to Mrs. Clark’s only child, and that \$10,000

“would be a legacy sufficiently large for the wife of an
“opulent husband. His third niece had no child, and
“her position otherwise was peculiar. These consid-
“erations may have had an influence; but, be that as it
“may, what I assert is, *first* that I had no motive for
“trying to induce Mr. Girard to leave small legacies to
“his relatives, and that my private wishes were to the
“contrary; and, *secondly*, that except when appealed
“to in the case of Mrs. Hemphill, I never gave an opin-
“ion or even a hint to Mr. Girard as to the legacies to
“his relatives or any of them.

“Consequently, Sir, you did me injustice, and I am
“sorry that you had not more charity or discretion.
“What would you think and say, if I, listening to gos-
“sips or to the whispering of suspicion, were to speak
“to strangers here of certain transactions of yours in
“a way to excite their prejudices against you? You
“would justly censure me; so that you ought now to
“reproach yourself, for you were unjust and unchari-
“table to me. That you were indiscreet must now be
“obvious; your loud complaints as to the smallness of
“your legacy, or Mrs. Clark’s, were calculated to cre-
“ate an impression that your views in marriage were
“not disinterested. On every account silence would
“have been wise; but as you have spoken of me I re-
“monstrate. I do not write because I think any neces-
“sity exists for that course, but because I may feel
“disposed to let others to whom you have spoken, hear
“what I have to say. In the meantime, for my own
“sake, I do not ask any reply or explanation. You owe
“it to yourself to disabuse others, if there are others,
“who have been led into error by you respecting me,
“but I do not ask it; you may act as you please.

“I am your obedient servant, W. J. Duane.”

The subsequent career of William John Duane can be briefly stated, and it is a matter of some public interest. I have mentioned the fact that he became a

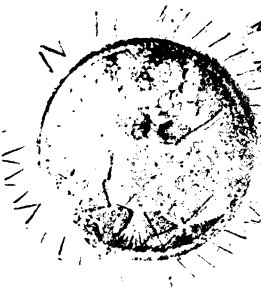
director of the College. On at least one occasion he passed on applications. I remember my father telling me once that when he called on his grandfather one day at his office he found him actively engaged in explaining the conditions and requirements to a group of widows, who were all trying to get their sons admitted. It was not long, however, after Girard’s death that Mr. Duane received his first important public appointment, which was that of Commissioner to the Kingdom of Denmark. He remained in that country for several months fulfilling the duties of the office. Shortly after that he was appointed Secretary of the Treasury by President Jackson. His commission is shown in the accompanying print. He continued in office only for a few months because of a bitter controversy which arose between two political groups in the Government, one, headed by the President, who wanted to destroy the United States Bank (then located in what is now the Custom House next door to the Drexel Building on Chestnut Street) and the other a group who believed it to be vital to the prosperity of the country that the bank should be maintained intact, and that, as a means of accomplishing this, the funds of the United States Treasury should be kept on deposit there. After some months of controversy President Jackson’s view ultimately prevailed, and Mr. Duane retired from office and was succeeded by Roger B. Taney, who afterwards became Chief Justice of the United States and author of the famous Dred Scott decision. An old family nurse told me once, as evidence of the popularity in this city of William John Duane’s opposition to President Jackson, that from an upper window she saw the people draw his carriage up to the front door by way of celebrating his return from the Capital.

In conclusion, I will add one more letter, which I consider the most valuable of my whole collection, because it sets forth the opinion of one of the great

*Andrew Jackson,
President of the United States of America*

To all who shall see these presents, Greeting: .

Know Ye, that, reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of William J. Duane of Pennsylvania, I do appoint him Secretary of the Treasury of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said William J. Duane, during the pleasure of The President of the United States for the time being, and until the end of the next session of the Senate of the United States and no longer.



In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand at the City of Washington, the twenty ninth day of May, 1833, and of the Independence of the United States of America, the fifty seventh.

Andrew Jackson

By the President,

Louis M. Lane, Secretary of State

Commission of William John Duane as Secretary of the Treasury

statesmen of history upon the subject matter of the contest between William John Duane and President Jackson. I might say, by way of explanation, that after the deposits were removed and the United States Bank

practically wrecked in the fall of 1833, hard times set in. The effect was just the opposite of what Jackson and his friends had anticipated, and there ensued a period of intense pecuniary distress, which, being renewed again in the year 1837, made that particular decade of our history a very sad period. The views entertained in the country at large about this controversy by the following year, 1834, were decidedly in favor of the stand which Mr. Duane had taken as Secretary of the Treasury. The following is a letter he received in that year, written from the United States Senate Chamber. The original is in my collection of manuscripts.

Washington, May 10, 1834.

“Dear Sir,

“I pray you to accept my thanks for a copy of your
 “letters to the People of the U. States, in Pamphlet
 “form, which I rec’d. this morning; and I avail myself
 “of the opportunity to tender you an expression of my
 “respect, for the independent & patriotic manner, in
 “which you conducted yourself, in your late official
 “station, under circumstances peculiarly embarrass-
 “ing.

“Altho you feel, doubtless, in common with us all,
 “great pain at the distress brought upon the country
 “by recent measures, it must give you heartfelt satis-
 “faction to reflect that you firmly opposed those meas-
 “ures, at the first step. You have relinquished office;
 “but you have not paid too dear for the conscientious
 “discharge of duty, nor for the new and large measure
 “of regard, manifested towards you by the American
 “People.

“I am, with respect,

“Your ob. serv.

“DANIEL WEBSTER.

“WM. J. DUANE, ESQ.,
 “Philadelphia.”

Washington May 10. 1834

Dear Sir

I pray you to accept my thanks for a copy of your letter to the People of the U. States, in Pamphlet form, which I recd. this morn'g; & I avail myself of the opportunity to tender you an expression of my respect. for the independent spirit in which you conducted yourself, in your late official station, under circumstances peculiarly embarrassing.

Although you feel, doubtless, in common with us all, great pain at the distress brought upon the Country by recent measures, it must give you heartfelt satisfaction to reflect that you firmly opposed those measures, at the first step. You have relinquished office; but you have not paid too dear for the conscientious discharge of duty, nor for the new & large measure of regard, manifested towards you by the American People.

I am, with respect,

Yours &c. &c.

W. J. Duane Esq.

Dan Webster

Philadelphia